

furnish ice water to the new unit to be built for Mexican and negro patients; the additional cost for this larger tank to be approximately \$100.00.

Councilman Reed moved that the Council recess, subject to call of the Mayor. Motion was seconded by Mayor McFadden, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Council then recessed.

Approved:

J. H. McFadden
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 20, 1928.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; absent, none.

The Minutes of the last meeting were read and Councilman Pannell moved the adoption of same. Motion was seconded by Mayor McFadden, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council request of M. A. Jarrell for permission to close an alley in Block 5, H. B. Siders Addition, Division "D", owned by him, and also approval of a plat for the resubdivision of said Block. Mayor McFadden moved that the City Attorney be directed to draw a resolution granting such request, and submit same to the Council at its next meeting. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

A petition signed by residents and property owners in the 1900 block of Canterbury Street, asking that the city gravel this street, was read and same was referred to the City Manager and City Engineer, with instructions to have this work done as soon as possible after the storm sewer program contemplated under the bond issue has been completed in this section.

Mayor McFadden laid before the Council the following :

" Austin, Texas, September 14, 1928.

Mr. Adam R. Johnson, City Manager,
City of Austin,
Austin, Texas.

Dear Mr. Johnson:

We respectfully submit application for permit to install a gasoline pump and tank at Miller's garage, 112 East 7th Street.

Such equipment to bear the underwriters label and all plumbing to be approved by the City authorities. The gasoline pump to be placed more than ten feet from the sidewalk, and the underground storage tank to be buried in the correct mixture of concrete.

Assuring you that it is our desire to co-operate with the city in all matters, we trust this information will warrant a permit for this work.

Yours very truly,

Grayburg Oil Company,

By J. B. Richardson, Austin Agency. "

"Hon. Mayor and City Council:

Gentlemen: -

We, your committee on the application of Grayburg Oil Company, asking permission to install and operate a drive-in gasoline filling station at 112 East 7th Street, make the following report.

We, the committee, recommend that this permission be granted subject to the following conditions:

1. That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
2. That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
3. That gasoline storage tanks and pumps, and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State Regulations governing such installations. All equipment to be inspected and approved before being placed in service.
4. That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any manner obstruct the sidewalk, street or alleyway. The pumps shall be at least ten feet inside the property line.
5. That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.
6. That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.
7. That there shall be kept in an accessible place at all times, a chemical fire extinguisher for emergency use.
8. That provision shall be made to take care of waste oils and water by having the proper connections with storm or sanitary sewer. Connections to be made under the supervision of the City Engineering Department.
- 9a. That a plan of the filling station, showing the proposed location of pumps, driveways and methods of draining away waste water and oils shall be filed with and approved by the City Engineer before the commencement of construction.
- 9b. That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector.
- 9c. That standard concrete curb, driveways, curb returns and gutter shall be constructed before operation as a filling station, in accordance with the plan which must be submitted by the applicant and approved by the City Council.
10. That permission shall be granted subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas; applying to or regulating gasoline filling stations, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future, regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Grayburg Oil Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Sgd) J. E. Woody, Fire Chief;
R. F. Rockwood, Fire Marshal;
Orin E. Metcalfe, City Engineer;
J. Bouldin Rector, City Attorney

CITY SAFETY COMMITTEE. "

Councilman Pannell moved that permit be granted to said Grayburg Oil Company, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following:

"Austin, Texas, Sept. 12, 1928.

Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Dear Sir:

We desire to install gasoline pump and tank for Mr. D. J. Barnett at 1st and Waller Streets, to be used in his filling station. This equipment will be installed according to city specifications covering the installation of such equipment.

Thanking you for past favors, beg to remain,

Yours very truly,

(Sgd) O. D. Dabbs, Agent. "

"Hon. Mayor and City Council,

Gentlemen:

We, your committee on the application of D. J. Barnett asking permission to install and operate a drive-in gasoline filling station at 1st and Waller Streets, make the following report:

We, the committee, recommend that this permission be granted, subject to the following conditions:

1. That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
2. That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
3. That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State Regulations governing such installations. All equipment to be inspected and approved before being placed in service.
4. That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any manner obstruct the sidewalk, street or alleyway. The pumps shall be at least ten feet inside the property line.
5. That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.
6. That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.
7. That there shall be kept in an accessible place at all times, a chemical fire extinguisher for emergency use.
8. That provision shall be made to take care of waste oils and water by having the proper connections with storm or sanitary sewer. Connections to be made under the supervision of the City Engineering Department.
- 9a. That a plan of the filling station, showing the proposed location of pumps, driveways and methods of draining away waste water and oils, shall be filed with and approved by the City Engineer before the commencement of construction.
- 9b. That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector.
- 9c. That the filling station owner be required to remove that pump which is less than 10 feet from the street lines of Waller and 1st Streets.
10. That permission shall be granted subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling stations, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future, regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said D. J. Barnett has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Sgd) J. E. Woody, Fire Chief;
 R. F. Rockwood, Fire Marshal;
 Orin E. Metcalfe, City Engineer;
 J. Bouldin Rector, City Attorney;

CITY SAFETY COMMITTEE. "

Councilman Mueller moved that permit be granted to said D. J. Barnett, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, Austin Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Austin Gas Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A 4 inch gas main on Live Oak Street, beginning at a point on the present 4 inch main on Dam Boulevard, said point being 25 feet east of and 55 feet south of the intersection of the west line of Live Oak Street and the north line of Dam Boulevard.

Thence northerly along a line 25 feet distant from and parallel to the west line of Live Oak Street to the north line of Sunset Avenue, said gas main to have not less than 1 1/2 feet of cover at all points except at a point 15 feet south of the north line of Dam Boulevard and a point 10 feet north of the south line of Sunset Avenue, where pipe is to be 4 feet deep in order to pass under storm sewers to be constructed.

- (2) A 4 inch gas main on Sunset Avenue, beginning at a point on the gas main on Live Oak Street, the assignment for which is given in item No. 1, said point being 40 feet east of and 25 feet north of the intersection of the south line of Sunset Avenue and the west line of Live Oak Street.

Thence westerly along a line 25 feet distant from and parallel to the south line of Sunset Avenue to the east line of the alley between Live Oak and Upson Streets, said gas main to have not less than 1 1/2 feet of cover.

- (3) A 4 inch gas main on E. 22nd Street, beginning at a point on the present gas main on Swisher Street, said point being 18 feet west of and 18 feet south of the intersection of the east line of Swisher Street and the north line of E. 22nd Street.

Thence westerly along a line 18 feet south of and parallel to the north line of E. 22nd Street, to the west line of Oldham Street, said gas main to have a cover of not less than 1-1/2 feet.

- (4) A 4 inch gas main on Oldham Street, beginning at a point on the gas main on E. 22nd Street, the assignment for which is given in item No. 3, said point being 20 feet west of and 18 feet south of the intersection of the east line of Oldham Street and the north line of East 22nd Street.

Thence southerly along a line 20 feet west of and parallel to the east line of Oldham Street to the north line of E. 21st Street, said gas main to have a cover of not less than 1-1/2 feet.

- (5) A 4 inch gas main on Riverside Drive beginning at the end of the present gas main on Riverside Drive, this end being 38 feet south of and 75 feet west of the intersection of the north line of Riverside Drive and the west line of Kenwood Avenue. (This description is given with reference to that part of Kenwood Avenue north of Riverside Drive.)

Thence easterly along a line 38 feet south of and parallel to the north line of Riverside Drive to the East line of Harper Lane, said gas main to have a cover of not less than 1-1/2 feet at all points, except pipe must go under storm sewer at intersection of Kenwood Avenue and be 4 feet deep at ridge between Kenwood Avenue and Harper Lane.

- (6) A 4 inch gas main on Harper Lane, beginning at a point on the Riverside Drive line, the assignment for which is given in item No. 5, said point being 38 feet south of and 13 feet east of the intersection of the north line of Riverside Drive and the west line of Harper Lane.

Thence northerly 368 feet along a line 13 feet east of and parallel to the west line of Harper Lane, said gas main to have a cover of not less than 1-1/2 feet at all points except pipe must be not less than 4-1/2 feet deep at a point 15 feet south of the north line of Riverside Drive.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council request of Burt Brydson for permission to move a house over Speedway and other streets. Action on the matter was deferred until the return of the City Manager.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of Forty-two Thousand Dollars (\$42,000.00) be and the same is hereby appropriated out of the General Fund and credited to the following various bond funds; this amount to be reimbursed to the General Fund from the proceeds of the sale of the bonds of the city to be made at a later date;

To the CONSTRUCTION ENGINEERS BOND FUND, the sum of Four Thousand Dollars (\$4,000.00);

To the SANITARY SEWER BOND FUND, the sum of Eight Thousand Dollars (\$8,000.00);

To the STREET IMPROVEMENT BOND FUND, the sum of Six Thousand Dollars (\$6,000.00);

To the FIRE STATIONS BOND FUND, the sum of Nine Thousand Dollars (\$9,000.00);

To the PARKS AND PLAYGROUNDS BOND FUND, the sum of Fifteen Thousand Dollars (\$15,000.00).

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and instructed to purchase in the name of the City of Austin, from Mary Agnes Matthews, V. H. Matthews and wife, Margaret Matthews, and George S. Matthews and Zula Matthews, husband and wife, for airport purposes, a certain tract of land of 55 acres out of the Joseph Burleson Survey No. 22, described as follows, towit: Beginning at the N. E. corner of a tract of 45 acres, as deeded by George S. Matthews to S. F. Nolen, at corner of fence; thence N. 60 W. with N. line of said 45 acres and fence, 985 varas to corner of fence, the N.W. corner of said 45 acre tract; thence N. 30 E. with fence, 314.6 varas, to corner of fence for N.W. corner of this tract; thence N. 60 E. with fence, 985 varas to old cedar stake under fence on west line of Austin-Manor Road, for N.E. corner of tract; and thence S. 30 W. with fence, 314.3 varas to place of beginning, according to a survey made August 22, 1928, by M. V. Homeyer, County Surveyor of Travis County, Texas, for a consideration of \$11,000.00 to be paid in cash upon the following conditions.

1. THAT the survey of the land shall show the quantity hereinabove set out;
2. THAT good and merchantable title shall be shown to vest in said land in said proposed vendors free from all liens and incumbrances whatsoever;
3. THAT said transaction shall not be closed, unless and until a certain

90.58 acres of land less 1.89 acres, out of the Joseph Burleson Survey and adjoining the above described land, is purchased by the City of Austin from M. H. Matthews and Margaret Matthews, husband and wife; and also, a certain 45 acres of land out of the J. C. Hamilton Survey and adjoining said tract of land, is purchased from S. F. Nolen and Ida Nolen, husband and wife; and also, a contract between the City of Austin and J. Bascom Giles and Effie Dean Giles, husband and wife, agreeing to convey a certain 150 acre tract of land adjoining the above mentioned tracts for the sum of \$175.00 per acre, has been executed, the deed to said land and the consideration therefor to pass on January 1, 1929; and

4. THAT said proposed vendors shall deliver to the City of Austin their general warranty deed to said above described land, together with the complete abstract of title to same.

BE IT FURTHER RESOLVED:

THAT the sum of \$11,000.00 be transferred from the Water & Light Fund to Airport Bond Fund, for the purpose of paying same to the vendors first above mentioned for the land first above described, upon delivery to the City of Austin of a warranty deed of said parties to said land, together with complete abstract of title, showing good and merchantable title in said parties at the time of said conveyance; it being understood, however, that said amount of \$11,000.00 shall be returned to the Water & Light Fund out of the proceeds of the sale of the airport bonds, which have heretofore been authorized.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and instructed to purchase in the name of the City of Austin from M. H. Matthews and Margaret Matthews, husband and wife, for airport purposes, a certain tract of 90.58 acres of land out of the Joseph Burleson Survey, in Travis County, Texas, described in the certain conveyance recorded in Vol. 285, page 154, Deed Records of Travis County, Texas, less 1.89 acres out of said survey, described in the certain conveyance recorded in Volume 285, at pages 217-28, of the Deed Records of Travis County, Texas, for a consideration of \$15,520.75, upon the following conditions:

1. THAT the survey of the land shall show the quantity hereinabove set out;
2. THAT good and merchantable title shall be shown to vest in said land in said proposed vendors, free from all liens and encumbrances whatsoever;
3. THAT said transaction shall not be closed, unless and until a certain 55 acres of land out of the James Burleson Survey and adjoining the above described land is purchased by City of Austin from Mary Agnes Matthews, et al; and also, a certain 45 acres of land out of the J. C. Hamilton Survey and adjoining said last named tract of land, is purchased from S. F. Nolen and Ida Nolen, husband and wife; and also a contract between the City of Austin and J. Bascom Giles and Effie Dean Giles, husband and wife, agreeing to convey a certain 150 acre tract of land adjoining the above mentioned tracts, for the sum of \$175.00 per acre, has been executed, the deed to said land and the consideration therefor to pass on January 1, 1929; and

4. That said proposed vendors shall deliver to the City of Austin their general warranty deed to said above described land, together with the complete abstract

of title of same.

BE IT FURTHER RESOLVED:

THAT the sum of \$15,520.75 be transferred from the Water & Light Fund to Airport Bond Fund, for the purpose of paying same to said M. H. Matthews and Margaret Matthews, for said land first above described, upon delivery to the City of Austin of a warranty deed of said parties to said land, together with complete abstract of title showing good and merchantable title in said parties at the time of said conveyance; it being understood, however, that said amount of \$15,520.75 shall be returned to the Water & Light Fund out of the proceeds of the sale of the Airport Bonds, which have heretofore been authorized.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and instructed to purchase in the name of the City of Austin from S. F. Nolen and Ida Nolen, husband and wife, for airport purposes, a certain tract of land of 45 acres out of the J. C. Hamilton survey No. 22, in Travis County, Texas, described in the certain conveyance recorded in Volume 326, at page 99, of the Deed Records of Travis County, Texas, for a consideration of \$7875.00, upon the following conditions:

1. THAT the survey of the land shall show the quantity hereinabove set out;
2. THAT good and merchantable title shall be shown to vest in said land in said proposed vendors, free from all liens and encumbrances whatsoever;
3. THAT said transaction shall not be closed, unless and until a certain 55 acres of land out of the James Burleson Survey and adjoining the above described land, is purchased by the City of Austin, from Mary Agnes Matthews, et al; and also, a certain 90.58 acres of land out of the Joseph Burleson Survey, less 1.89 acres out of said survey, is purchased from M. H. Matthews and Margaret Matthews; and also, a contract between the City of Austin and J. Bascom Giles and Effie Dean Giles, husband and wife, agreeing to convey a certain 150 acre tract of land adjoining the above mentioned tracts for the sum of \$175.00 per acre, has been executed, the deed to said land and the consideration therefor to pass on January 1, 1929; and
4. THAT said proposed vendors shall deliver to the City of Austin a general warranty deed to said above described land, together with the complete abstract of title of same.

BE IT FURTHER RESOLVED:

THAT the sum of \$7875.00 be transferred from the Water & Light Fund to Airport Bond Fund, for the purpose of paying same to said S. F. Nolen and Ida Nolen for said land first above described, upon delivery to the City of Austin of a warranty deed of said parties to said land, together with complete abstract of title, showing good and merchantable title in said parties at the time of said conveyance; it being understood, however, that said amount of \$7875.00 shall be returned to the Water & Light Fund out of the proceeds of the sale of the Airport Bonds which have heretofore been authorized.

The above resolution was adopted by the following vote: Ayes, Mayor

McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and instructed to execute a certain contract by and between J. Bascom Giles and Effie Dean Giles, husband and wife, and the City of Austin, by the terms of which the first named parties agree to sell and convey to the City, for airport purposes, 150 acres of land, more or less, out of their certain 160 acre tract adjoining the 40 acre Gibson tract now used by the Austin Air Service, and being a part of the certain 202.66 acres of land out of the Thomas Hawkins Survey in Travis County, Texas, and whereby the City agrees to pay \$175.00 per acre for said land, the deed to said land and the consideration therefor to pass on January 1, 1929, and conditioned upon the acquirement by the City of other tracts of land owned respectively by M. H. Matthews and wife, and Mary Agnes Matthews, et al, and S. F. Nolen, said tracts adjoining the Giles tract, and all to be used for airport purposes; and also, upon the condition that said Giles shall convey or cause to be conveyed to the City an eighty (80) foot strip of land for road purposes, same being described in said contract; and that the City shall construct an under-pass for the convenience of said Giles underneath said roadway, and that said Giles shall deliver gravel to any runway on the airfield to be situated on said premises, for \$.50¢ per yard.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

PROVIDING THAT NOTICE BE GIVEN OF THE INTENTION OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO SUBMIT TO THE QUALIFIED VOTERS OF SAID CITY OF AUSTIN, FOR ADOPTION OR REJECTION, CERTAIN AMENDMENTS TO THE EXISTING CHARTER OF SAID CITY.

WHEREAS, the City Council deems it advisable to submit to the qualified voters of the City of Austin certain amendments to the existing charter of said City; and

WHEREAS, the Charter of said City has not been altered or amended within two years next preceding this date; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

SECTION 1. THAT it is the intention of the City Council to pass an ordinance on the 12th day of October, A. D. 1928, for the purpose of submitting to the qualified voters of the City of Austin, at an election to be held for that purpose, the following amendments to the existing charter of said City:

AMENDMENT NO. 1.

To amend Section 2, of Article 1, of said Charter, so as to read as follows:

Section 2. The boundaries of the City of Austin shall be as follows: Beginning at the southwest corner of Outlot 64, Division "O" of the City of Austin Government Tracts of the State of Texas at an iron stake set at the low water line of the Colorado River.

Thence crossing the Colorado River S 23° 32' W 658.05 feet to an iron stake set on the upper bank of the south or southeast side of the Colorado River, said stake being on property now owned by W. D. Hart and being located on the Santiago Del Valle Survey in Travis County, Texas, and from which stake a 24 inch willow tree marked X bears N 71° W 123 feet and a 6 inch mesquite tree bears S 70° E. 35 feet.

Thence up the south or southeast side of the Colorado River following the upper bank of same according to the following 9 courses, to wit: N 79° 22'

W 574.64 feet to an iron stake, from which a 12 inch willow tree bears N 73° E 100.2 feet and a 3 inch mesquite bears S 64° 45' E 47 feet; S 60° 25' W 754.8 feet to an iron stake from which a 6 inch willow tree bears N 21° W. 42.8 feet; S. 45° 46' W 736.92 feet to an iron stake from which a 6 inch willow tree bears N 64° 15' W 152 feet; S 58° 33' W 754.69 feet to an iron stake; S 59° 34' W to an iron stake in the center line of a road and from which stake a 20 inch pecan tree marked X bears S 37° 45' W 101.5 feet; N. 75° 58' W 711.47 feet to an iron stake, from which iron stake a 36 inch pecan tree bears N 17° 40' W 13 feet and a 10 inch willow tree bears N 33° E 82 feet; N 74° 15' W 595.15 feet to an iron stake on the east edge of a creek bank, and from which stake a 6 inch hackberry tree bears N 36° 10' E 9 feet and a 6 inch hackberry tree bears S 1° 40' W 17.8 feet; N 65° 50' W 402.63 feet to an iron stake, from which a 6 inch pecan tree bears N 60° E 47.8 feet and a 9 inch pecan tree bears N 71° E 62.4 feet; N 63° 44' W 438.1 feet to an iron stake on the east bank of a creek, and from which stake a 6 inch hackberry tree bears N 5° 30' W 17.3 feet and a 5 inch hackberry tree bears N 86° 10' W 34.7 feet.

Thence leaving the south or southeast bank of the Colorado River S 45° 45' W 575.9 feet to an iron stake, said iron stake being S 46° 47' E 150 feet distant from the east line of Summit Street in Bellevue Park Addition.

Thence 150 feet distant from and parallel to the east line of Summit Street S 27° 43' W 1043.5 feet to an iron stake set in the north fence line of property owned by E. C. Gaines.

Thence N 60° 25' W 1543.9 feet to an iron stake close to a fence corner on the east or southeast line of Travis Heights Addition, said stake being the westerly corner of the Yarrington and Thaxton 40 acre tract out of the Santiago Del Valle Survey.

Thence with the east line of Travis Heights Addition S 26° 28' W. 1186.4 feet to an iron stake, which stake is opposite the south property line of Woodlawn Avenue,

Thence with the east line of Travis Heights Addition S 26° 15' W. 801.0 feet to an iron stake.

Thence with the fence and the east line of Travis Heights Addition S 31° 52' W 1009.2 feet to an iron stake.

Thence with the east line of Travis Heights Addition S 30° 22' W 676.96 feet to the southeast corner of Travis Heights Addition.

Thence crossing the Burleson Road S 31° 9' W 62.3 feet to an iron stake, which is the most northerly corner of property owned by O. D. Farquhar.

Thence with the south side of Burleson Road and the north line of said Farquhar property S 42° 28' E 101.53 feet to an iron stake.

Thence S 47° 51' W 152.32 feet to an iron stake.

Thence parallel to and 210 feet distant from the north line of Burleson Road N 41° 38' W 791.78 feet to an iron stake.

Thence N 44° 29' W 906.56 feet to an iron stake on the top of the east bank of Blum Creek and from which stake a 24 inch live oak tree bears S 5° 45' W 25.8 feet and a 12 inch locust tree bears N 86° 30' E 29.1 feet.

Thence with the southwest line of Pleasant View Addition N 59° 33' W 775.2 feet to an iron stake, which is the most westerly corner of Lot No. 46, of said Pleasant View Addition.

Thence N 60° 31' W 696.34 feet to an iron stake set in the fence line.

Thence S 34° 43' W 1218.72 feet to an iron stake.

Thence N 53° 7' W 245 feet to an iron stake on the west line of the Post Road, said iron stake being the most easterly corner of Lot No. 11 of Grande Courts.

Thence with the south line of Grande Courts N 53° 7' W 668.84 feet to an iron stake.

Thence N 56° 29' W 629.11 feet to an iron stake on the west line of Wilson Street and the east line of Block No. 16, of Live Oak Grove Addition.

Thence with the west line of Wilson Street, and the east line of property now owned by G. F. Chapman, as now fenced, S 29° 58' W 185.83 feet to an iron stake.

Thence N 59° 41' W 259.2 feet to an iron stake.

Thence N 30° 25' E 182.43 feet to an iron stake in the fence line.

Thence N 60° 6' W 644.47 feet to an iron stake on the top of the bank on the east side of the creek which borders the east side of Brackenridge Road.

Thence N 37° 23' E 225.29 feet, which stake is on the north line of the street, and which is on the top of the east bank of Bouldin Creek.

Thence N 35° 11' E 230.75 feet to an iron stake in the fence line.

Thence N 30° 10' E 521.38 feet to an iron stake on the west side of South First Street.

Thence with the fence and the north line of the most southerly street in the Davis and Dawson Addition N 69° 12' W 1054.8 feet to an iron stake on the east property line of Henry Faulk's property, as now fenced.

Thence N 30° 39' E 98.86 feet to an iron stake.

Thence N 71° 41' W 346.14 feet to an iron stake near a fence corner.

Thence N 68° 51' W 498.46 feet to an iron stake.

Thence N 23° 31' E 151.6 feet to an iron stake at fence corner on the east property line of property owner by J. C. Brodie.

Thence N 70° 15' W 322.9 feet to an iron stake.

Thence N 21° 22' E 203.12 feet to an iron stake.

Thence with the south line of Leland Street or the south line of the J. E. Bouldin Addition N 69° 4' W 866.61 feet to an iron stake on the west line of the Missouri Pacific Railway Company right of way.

Thence N 28° 7' E 666.26 feet to an iron stake on the southwest line of Block 14 of Evergreen Heights.

Thence with the south line of Block 14 of Evergreen Heights N 60° 11' W 690.34 feet to the most westerly corner of said Block 14.

Thence with the northwest line of Evergreen Heights N 30° 11' E 2800.55 feet to a corner post on the north side of a road, which is between Blocks 4 and 5 of Evergreen Heights.

Thence N 29° 18' E 1059.2 feet to an iron stake in the west line of Evergreen Heights.

Thence N 59° 55' W at 472.54 feet pass the west line of McKinney Avenue in all 1606.8 feet to an iron stake which is the most westerly corner of Barton Springs Addition, and from which stake a cedar tree 9 inches in diameter bears N 64° 45' W 9.8 feet and a live oak tree 15 inches in diameter marked X bears N 29° E 73.0 feet.

Thence S 64° 6' W 610.5 feet to an iron stake and from which stake the northwest corner of a rock house bears S 64° 50' E 36.7 feet and a 12 inch elm tree marked X bears N 21° E 27.1 feet.

Thence S 25° 33' W 223.71 feet to an iron stake.

Thence S 89° 16' W 290.6 feet to an iron stake from which a live oak tree 15 inches in diameter bears N 35° 30' W 37.3 feet and a cedar tree 10 inches in diameter bears S 36° W 54.5 feet.

Thence N 70° 26' W 539.75 feet to an iron stake set in the road and from which stake a mesquite 12 inches in diameter bears N 65° W 50 feet and an elm tree 10 inches in diameter bears N 77° E 10.1 feet.

Thence N 42° 50' W 498.51 feet to an iron stake set in a rock fence corner near a gate on the east side of a public lane.

Thence with the southwest line of the Rabb home property N 61° 55' W 532.19 feet to an iron stake at a corner of the rock fence.

Thence N 66° 43' W 77.85 feet to an iron stake, from which a live oak 36 inches in diameter bears N 48° W 61.5 feet and a mesquite 6 inches in diameter bears N 10° W 18.4 feet.

Thence N 42° 42' W crossing Barton Creek 1158.19 feet to an old rock mound, which is the most easterly corner of what has been known as Molony 25 acre tract out of the H. P. Hill League in Travis County, and from which stake a live oak tree 9 inches in diameter marked X bears N 41° W 19.17 feet and a live oak 6 inches in diameter marked X bears N 29° 40' E 13.05 feet.

Thence S 84° 45' E 655.94 feet to an iron stake.

Thence N 85° 21' E 288.89 feet to an iron stake.

Thence N 89° 0' E 861.20 feet to an iron stake.

Thence N 86° 27' E 552.98 feet to an iron stake.

Thence N 86° 10' E 640.12 feet to an iron stake.

Thence N 65° 25' E 1658 feet to an iron stake, from which a hackberry tree 6 inches in diameter bears N 10° E 11.3 feet and a gum elastic tree 12 inches in diameter bears S 59° 20' E 52.3 feet.

Thence N 63° 42' W 1351.0 feet to an iron stake which is the location of the original north corner of the 131.5 acre tract of land out of the William Barton Labor Survey, formerly owned by C. D. Walsh, as recorded in Travis County Deed Records, Book "R", page 9, and from which stake a water elm 36 inches in diameter bears N 38° 30' E 61.5 feet and a hackberry 12 inches in diameter bears

S 71° 10' E 69.1 feet.

Thence with the upper south or southwest bank of the Colorado River N 60° 40' W 337.1 feet to an iron stake, from which a pecan tree 48 inches in diameter bears N 66° W 56 feet and a hackberry tree 9 inches in diameter bears N 44° W 18.3 feet.

Thence N 56° 53' W 1136.7 feet to an iron stake on the upper bank of the Colorado River and from which stake a 15 inch pecan tree marked X bears S 58° 10' E 25.1 feet and a water elm 40 inches in diameter marked X bears S 49° 30' E. 30.2 feet and a cottonwood tree bears N 25° 30' W 44.8 feet.

Thence up the south or southwest upper bank of the Colorado River in accordance with the following 13 courses, to wit: N 41° 47' W 1033.37 feet; N 54° 02' W 390.38 feet; S 82° 51' W 407.09 feet; N 48° 41' W 624.94 feet; N 19° 3' W 421.14 feet; N 32° 25' W 540.41 feet; N 43° 06' W 1094.32 feet; N 55° 41' W 349.32 feet; N 41° 32' W 1662.9 feet; N 25° 37' W 1270.25 feet; N 36° 03' W 507.85 feet; N 26° 12' W 846.32 feet; N 4° 57' W 1065.78 feet.

Thence N 1° 51' E 801.14 feet to a point on the west bank of the Colorado River, which is on a line with the top of the dam at Lake Austin, and from which point a hole drilled in the center line of the dam bears S 82° 58' E 1280 feet and from which point an iron stake on the east side of the Colorado River, which iron stake is a point on the City line boundary, bears N 44° 17' E 2026.1 feet.

Thence up the west bank of the Colorado River, following a contour which is 15 feet higher than the top of the Austin Dam, as constructed about 1892, said contour elevation being 504.9 feet above mean sea level, 23 miles more or less to the point where said contour of 504.9 crosses the Colorado River.

Thence down the east bank of the Colorado River, following a contour which is 15 feet higher than the top of the Austin Dam as constructed about 1892, said contour elevation being 504.9 feet above mean sea level, 23 miles more or less to an iron stake on the east bank of the Colorado River, and from which stake a point on the west bank of the Colorado River opposite the center line of the Dam previously mentioned in this boundary description, bears S 44° 17' W 2026.1 feet, and from which stake a hole drilled in the center of the Dam near the east end of the Dam bears S 5° 3' W 1615.1 feet.

Thence S 81° 50' E 443.63 feet to an iron stake.

Thence S 60° 41' E at about 600 feet pass the northwest corner of Lot No. 8 in Block No. 3 of Walsh Place, continuing with the south line of the alley which runs through Blocks 3, 6 and 11 of said Walsh Place, in all 1873.36 feet to an iron stake, which is the northeast corner of Lot No. 1, Block No. 7 of Walsh Place.

Thence with the west line of Forrest Avenue S 29° 37' W 647.42 feet.

Thence with the south line of the alley which runs through Blocks 1, 8 and 9 of the Tobin and Johnson Addition S 60° 57' E 1236.9 feet to a point.

Thence S 61° 1' E 1232.65 feet to an iron stake on the east line of Exposition Boulevard, which stake is the most westerly corner of Lot No. 12, in Block No. 9 in Westfield Addition.

Thence S 57° 1' E 2350.3 feet to an iron stake which is the most westerly corner of Lot No. 1, Block 10, of Westfield Addition.

Thence with the north line of said Lot No. 1, S 60° 10' E 609.5 feet to the west line of the Missouri Pacific Railway Company right of way.

Thence parallel to and 100 feet distant from the center line of the railroad right of way N 32° 2' E 924.0 feet to a point of curve of said west right of way.

Thence northerly parallel to and 100 feet west of the curving center line of the railroad right of way to a point of compound curve, the long chord of the first section of said compound curve runs N 28° 48' E 988.04 feet.

Thence northerly parallel to and 100 feet west of the curving center line of said right of way to a point of tangency of the second section of a compound curve, the long chord of which second section runs N 18° 40' E 1025.5 feet.

Thence 100 feet distant from and parallel to the tangent center line of the railroad right of way N 14° 7' E 1283.48 feet to a point of curve of said west right of way line.

Thence northerly 100 feet distant from and parallel to the curving center right of way line of the compound curve of said railroad right of way to a point of compound curve of said west right of way line, the long chord of which runs N 13° 10' E 199.9 feet.

Thence northerly 100 feet distant from and parallel to the second section of the compound curve of center line of the railroad right of way to a point of tangency in the west line of said right of way, the long chord of which runs N 3° 2' E 818.46 feet.

Thence 100 feet west of and parallel to a tangent section of the center line of the railroad company right of way N 4° W 674.32 feet to a point of curve of the west line of said railroad right of way.

Thence northerly 100 feet distant from and parallel to the center line of the curving railroad right of way to a point of tangency in said west line

of right of way, the connecting chord of which runs N 4° 55' E 1184.8 feet.

Thence 100 feet distant from and parallel to a tangent section of the center line of the railroad right of way N 11° 1' E 1599.4 to a point of curve of the west line of said railroad right of way.

Thence northerly 100 feet distant from and parallel to the curving center line of the railroad right of way to a point of tangency in the west line of said right of way, the long chord of which runs N 9° 23' E 326.13 feet.

Thence 100 feet distant from and parallel to the center line of the Missouri Pacific Railway Company right of way N 7° 3' E 625.7 feet to a point.

Thence S 73° 36' E at about 450 feet intersecting the north line of Burns Street of Military Heights and continuing parallel to the south line of Burns Street, in all 2483.8 feet to an iron stake, which is on the old west line of the City of Austin.

Thence with the old west line of the City of Austin, N 28° 7' E 1362.3 feet to an iron stake and from which stake a concrete monument set for the northwest corner of the City of Austin previously described as the most easterly southeast corner of the Deaf, Dumb and Blind Asylum for Colored Youths 100 acre tract, bears N 28° 7' E 122.92 feet.

Thence S 57° 59' E 1435.6 feet to a corner fence post which is the most northerly corner of a 3.7 acre tract known as Block No. 8 of the Lewis Hancock Subdivision.

Thence with the west line of the Lewis Hancock Subdivision N 29° 56' E 1470 feet to a stake in Alice Avenue, which is on a line with the south line of 45th Street.

Thence S 60° 11' E 1368.27 feet to the intersection of the south line of 45th Street and the east line of Morningside Avenue at the northeast corner of the Alta Vista Addition.

Thence with a fence S 57° 50' E 907.11 feet.

Thence with a fence S 59° 48' E 882.14 feet to an iron stake in Guadalupe Street.

Thence N 30° 13' E 1138.5 feet to a concrete monument set in the north line of the City of Austin.

Thence with the existing most northerly line of the City of Austin S 59° 47' E 2989.1 feet to a concrete monument in 47th Street, which has been the northeast corner of the City of Austin.

Thence S 59° 50' E 874.56 feet to an iron stake on the south line of 47th Street.

Thence S 60° 1' E 1385 feet to an iron stake on the west line of an alley which runs north and south through Block 17 of Ridgetop Annex.

Thence with the west line of the alley which runs through Blocks 17 and 16 S 29° 32' W 1010.2 feet to an iron stake at the southeast corner of Lot 1 of Block 16 on the north line of 45th Street.

Thence with the north line of 45th Street S 60° 8' E 135.44 feet to a stake.

Thence S 29° 7' W 425.32 feet to an iron stake which is the most easterly corner of Lot No. 12 of the Spreckels and Staehely Addition.

Thence S 29° 52' W 1769.12 feet to an iron stake in the present east line of the City of Austin, and from which stake a concrete monument previously set in the present City line near the center of 42nd Street or Earnest Avenue bears N 6° 51' W 108 feet.

Thence with the present east city line of the City of Austin as heretofore established S 6° 51' E 5287.5 feet to an iron stake in the south line of the Manor Road, and from which stake a concrete monument in the East City line bears N 6° 51' W 30 feet.

Thence with the south line of Manor Road N 80° 58' E 420.08 feet to an axle set for a corner on the south line of the Manor Road.

Thence S 9° 21' E 1274.4 feet to an iron pipe which is 148.1 feet east of the east line of Chestnut Street and which is 150 feet north of the north fence on 19th Street.

Thence N 80° 43' E 1236.5 feet to an iron stake.

Thence S 9° 33' E 2856.3 feet to a point on the east line of the Austin and Northwestern branch of the Southern Pacific Railway right of way, which point is 25 feet distant to and from the center line of said Austin and Northwestern Railway right of way.

Thence 25 feet distant from and parallel to the center line of the Austin and Northwestern Railway right of way S 20° 32' W 536.14 feet to a point of curve in said east right of way line.

Thence southerly 25 feet distant from and parallel to the center line of the Austin and Northwestern Railway right of way to a point of tangency in the east line of said right of way, the long chord of which runs S 36° 13' W 768.47 feet.

Thence 25 feet distant from and parallel to the center line of said Austin and Northwestern Railway right of way S 51° 57' W 376.64 feet to a point of a curve of the east line of said Austin and Northwestern Railway right of way line.

Thence southerly parallel to and 25 feet distant from the curving center line of the railroad right of way to a point of compound curve in the east line of said right of way line, the long chord of the first section of which compound curve runs S 30° 10' W 552.68 feet.

Thence parallel to and 25 feet east of the curving center line of said right of way to a point of tangency of the second section of a compound curve, the long chord of which second section runs S 16° 5' E 744.78 feet to a point of tangency in the east line of said right of way.

Thence S 40° 33' E 245.55 feet to a point of curve.

Thence southerly following a curving line to the right, the radius of which curve is 1166.06 feet and the long chord of which curve runs S 17° 54' E 904.6 feet.

Thence S 4° 45' W 157.87 feet.

Thence S 70° 30' E 348.95 feet to an iron pipe 150 feet east of the east line of Pedernales Street.

Thence 150 feet distant from and parallel to the east line of Pedernales Street S 22° 52' W 1158.0 feet to an iron pipe.

Thence S 63° 28' E 1206.5 feet to an iron stake in the east line of the public road.

Thence with the west line of Outlot No. 13, Division "A" and Outlots 13, 29 and 64 in Division "O" S 23° 0' W 3059.8 feet to the place of the beginning.

AMENDMENT NO. 2.

To amend said Charter, by adding thereto a section, numbered 2a, under Article 1, which shall read as follows:

"Section 2A The City Council shall have power by ordinance to fix the boundary limits of the City of Austin; and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants annexed. That upon the introduction of any such ordinance in the City Council, it shall be published in the form in which it may be finally passed, in a daily newspaper published in the City of Austin at least one time, and said ordinance shall not thereafter be finally acted upon until at least thirty days has elapsed after the first publication thereof; and upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Austin, and the property situated therein shall bear its pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City. "

AMENDMENT NO. 3

To amend said Charter, by adding thereto a section, to be numbered Section 4, under Article 1, which shall read as follows:

"Section 4. The City Council shall have power to alter or change the ward boundaries of the City of Austin; and to subdivide the City anew into wards, designating same by number and describing same by metes and bounds, and to subdivide each ward now existing or that may hereafter be established, into

suitable election precincts, so that each precinct shall contain as nearly as possible the same number of electors, and to change such precincts from time to time as the City Council may deem expedient."

AMENDMENT NO. 4.

To amend said Charter, by striking out Subsection (8), of Section 2, of Article XII, which reads as follows:

"(8) The City Council shall have power and authority to refund, fund, compromise, adjust, scale or settle all or any part of the bonded indebtedness of said City, and for that purpose shall have the power and it is hereby specially authorized to levy a tax of one and sixteen and two-thirds hundredths (1.1666) per centum, or so much thereof as may be necessary for said purposes, and while any of the refunding bonds heretofore issued by the City are outstanding the power to levy said tax shall not be decreased, impaired or curtailed. The right of the City of Austin to levy said tax is a part of the contract in the issuance of said bonds; such tax to be levied when and as other taxes of the City are levied and in the event of the failure of the City Council to levy such tax, either of the District Courts in and for Travis County, or the United States Circuit Court, or a judge of the United States Circuit Court for the circuit in which is located the City of Austin, is authorized to make and grant on the application of any holder of any said refunding bonds a mandamus to compel such levy, and such mandamus may be granted without judgment being first had on account of such bonds. If at any time, for any reason whatsoever, the maximum tax possible of collection shall not be sufficient to pay the interest and also provide for the sinking fund, then and in that event the taxes collected shall first be appropriated and used to pay all accrued interest or interest to accrue during the year from which such tax levy is made in full before any part thereof shall be appropriated for the sinking fund. In case any suit or suits shall at any time be instituted against the City of Austin to enforce the payment of the principal or interest of any refunding bonds, or to compel the levy or collection of the taxes herein prescribed, no defense, either in law or in equity, shall be admitted in any of the courts of this State, except such as originated upon or subsequent to the issuance of such refunding bonds. The payment of the principal or interest of any bonds which may be issued by the City of Austin after the due authorization of the refunding bonds provided for herein shall be subject to the payment in full of the principal and interest and the creation of the sinking fund of two per centum (2 per cent) per annum of all such refunding bonds issued under such authorization, or which may be thereafter issued under such authorization, before any part of the tax collected by the said city shall be applied to such other bonds of the City. While any of said refunding bonds shall be outstanding, the City of Austin shall not sell, lease, rent or otherwise part with the possession of its water, light and power properties, and all moneys, net income, derived from the operation of such plants shall be paid into and become a part of the sinking fund for the redemption of such refunding bonds, and shall be applied in the same manner as the sinking fund derived from the collection of taxes; subject, however, to the pledge of such net income contained in the bonds of the City of Austin known as the 'Water Works and Electric Light Bonds of 1890', and in the ordinance authorizing them, while any of such bonds shall remain out-

standing; provided, however, that nothing in the charter of the City or in these amendments thereto, shall be so construed as to prohibit the City from selling disused property formerly purchased and used by it in the operation of its water power plant. situated at and near the dam of the City across the Colorado River, and the right to sell disused property as may not be necessary for the present operation of its steam water, light and power plant, is hereby expressly conferred upon said City, to be exercised whenever same shall be by it deemed expedient and desirable, but nothing herein contained shall be so construed as to make it the duty of the City to sell any of said material or property until such sale shall by it be deemed expedient and desirable; and all of said material and property shall be deemed to be held for public use until so sold, and shall never be subject to execution sale or other forced sale at the instance of any creditor or creditors of the City. While any of said refunding bonds shall be outstanding the corporate limits of the City of Austin as at present defined shall not be decreased or lessened for taxing purpose or otherwise."

AMENDMENT NO. 5.

To amend said Charter, by adding thereto Article XXI, consisting of Section 1, 2, and 3, which shall read as follows:

"Article XXI.

Section 1. The City Council shall have power to borrow money for the purpose of the improvement, enlargement, betterment, extension or repair of the water, light and power works and system, or any part of same, owned by the City of Austin, and to issue notes or bonds to evidence the money so borrowed, which notes or bonds shall have the characteristics of negotiable instruments under the law merchant, and to provide for an interest and sinking fund out of the receipts, revenues and income derived from the operation of said works and system sufficient to pay said bonds or notes at maturity; and to secure the payment of any such notes or bonds, the City Council shall have power to pledge, mortgage and encumber said receipts, revenues and income; provided, that no such obligation shall ever be a debt of the City of Austin, but solely a charge upon the receipts, revenues and income so encumbered, and shall never be reckoned in determining the power of the City to issue bonds for any purpose authorized by law.

Section 2. No notes or bonds shall ever be issued that pledge the receipts, revenues and income of the water, light and power works and system for a longer period than ten years, and such notes or bonds shall never be issued in amounts and maturities greater than can be paid, both principal and interest, within the ten year period with not to exceed annually twenty per cent of the gross revenues of said water, light and power works and system for the twelve months next preceding the month of the issuance of said notes or bonds.

Section 3. Whenever the receipts, revenues and income from such water, light and power works and system shall be encumbered under the terms of this Article, the rates to be charged and collected by the City of Austin for services furnished by said works and system, shall be sufficient to pay the expenses of operation and maintenance necessary to render efficient service, and in addition thereto sufficient to create a fund to pay at maturity any

notes or bonds, and interest, issued under the authority and terms of this Article".

AMENDMENT NO. 6.

To amend said Charter, by adding thereto Article XXII, consisting of Sections 1, 2 and 3, which shall read as follows:

"Article XXII.

SECTION 1. The City Council shall have power by ordinance to grant, amend, renew and extend all franchises, and to regulate all public utilities of every character within the City of Austin, and for such purposes is granted full power:

(1) To prohibit the occupancy and use of any street, alley, or other public place in the City of Austin, either on, in, over, or under the same, by any telegraph or telephone line, system or exchange, electric light and power line, plant or system, street railway, interurban railway, steam railway, gas works and system, or any other character of public utility, without first obtaining such privilege from the City Council, expressed by ordinance, and upon paying such compensation as may be prescribed, and upon such terms and conditions as may be provided by such ordinance;

(2) To determine, fix and regulate the charges, fares and rates to be paid by the public for the services and commodities of any such utilities; provided, that no person or corporation enjoying any franchise to operate a public utility within the City of Austin shall ever make any charge or fix any rate for public service to its patrons, or the inhabitants of the City of Austin, without first being authorized by the City Council by an ordinance approving the same, and no public utility shall contest any rate or charge fixed or order made by the City Council, under the authority conferred hereunder, in any suit or cause of action in any court, unless and until such public utility has filed a motion for rehearing with the City Council specifically setting out the grounds of complaint against any such order or ordinance fixing any rate or charge, and until the City Council shall have passed upon the said motion for rehearing;

(3) To prescribe and enforce all rules and regulations necessary or expedient for securing safe, efficient, faithful and continuous service to the public from such public utilities, and to prescribe and regulate the character, quality and efficiency and manner of service to be rendered, given, performed and furnished to the public.

(4) To prescribe, require and regulate proper and adequate extensions of plant, service and accommodations to the public by such utilities;

(5) To promulgate and enforce all such rules and regulations as may be reasonably necessary for the procuring from such public utilities by the City of Austin, without cost to it, of full information, showing the location, character, extent and condition of all fixtures of such public utilities, in, over and under the streets, alleys, or public places of the City; and to regulate and control the location, relocation, and removal of such fixtures;

(6) To prescribe the form of accounting of such public utilities; to require all public utilities, operating either in whole or in part in the City, to keep vouchers, papers, books and records fully and accurately showing

all facts necessary or relevant in the ascertainment and determination of what are from time to time reasonable rates and charges by such public utilities; to inspect and audit the vouchers, papers, books and records of all public utilities, operating either in whole or in part in the City, at any reasonable time or times, through the officers and agents of the City, or otherwise; to require the keeping of all such vouchers, papers, books and records within the corporate limits of the City of Austin, in all cases where such vouchers, papers, books and records show the operation of public utilities, which are located wholly within the City and its suburbs; to require the production in the City of Austin of such vouchers, papers, books and records of all other public utilities operating in the City, whenever in the judgment of the City Council it is necessary or advisable to inspect or audit the same; to take testimony and to compel the attendance of witnesses, and to examine said witnesses under oath, under such rules and regulations as the City Council may adopt; all for the purpose of ascertaining any facts concerning the relationship of such public utilities to the public or the City of Austin.

(7) To prescribe and enforce such regulations as may be necessary and adequate, for collecting from all public utilities operating in the City of Austin, and occupying and using the streets, alleys and public places of the City, their fair and just proportion of the expenses of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping and sprinkling such portions of the City, alleys, bridges, culverts, viaducts, and other public places and ways of the City as may be occupied or used in whole or in part by such utilities, or to compel such public utilities to perform, at their own expense, their just share of such excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping and sprinkling;

(8) To require any public utility holding a franchise from the City of Austin to allow other public utilities to use all its tracts, poles, wires, and other facilities, or any bridge or viaduct in the City of Austin, and for a reasonable distance from the ends of such bridges and viaducts, in all cases where such joint use of such facilities shall in the judgment of the City Council be necessary or advisable for the public interest and welfare. Whenever a joint use of facilities shall be required by the City Council, the Council shall fix the reasonable rentals to be paid, after notice to the parties at interest and hearing of the facts;

(9) To promulgate and enforce every other regulation and requirement which may be necessary or expedient for the protection or enforcement of the interests of the public in public utilities, operating either in whole or in part in the City of Austin, and for securing adequate service from them, and for the exercise by the City of Austin of its control over its public traffic, streets, alleys, and all other public places.

(10) To enforce by appropriate penalties all requirements and rules lawfully enacted by the City for the regulation of public utilities, or for carrying into effect and enforcing any other powers over public utilities herein granted to the City of Austin.

SECTION 2. Whenever any public utility, operating either in whole or in part in the City of Austin, shall attack in litigation the validity of any

provision of any ordinance of the City appertaining to such public utility, the burden of proof shall be on such public utility to establish such facts as are relevant and necessary to show that such provision is invalid; and such attack shall not be permitted to prevail where any such public utility is in default in keeping or producing vouchers, books or records as herein provided for.

SECTION 3. All ordinances granting, amending, renewing, or extending franchises for public utilities, shall be read at three separate regular meetings of the City Council, and shall not be finally passed until thirty days after the first reading; and no such ordinance shall take effect until sixty days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in a daily newspaper published in the City of Austin, and the expense of such publication shall be borne by the proponent of the franchise.

If at anytime before any such ordinance takes effect, a petition shall be submitted to the City Council, signed by not less than five hundred of the bona fide qualified voters of the City of Austin, the City Council shall submit the question of granting, amending, renewing or extending such franchise to a vote of the qualified voters of the City at the next succeeding general election to be held therein, if such general election occur within twelve months from the date such ordinance takes effect, but otherwise, at a special election to be ordered by the City Council and held for said purpose; and notice of said election shall be published at least twenty days successively in a daily newspaper published in the City of Austin prior to the holding of said election, which notice shall contain a full copy of said ordinance; and the expense of such publication and all expenses of such election shall be borne by the proponent of the franchise.

The ballot used at said election shall briefly describe the franchise to be voted on and the terms thereof, and shall contain the words "For the Granting of the Franchise" and "Against the Granting of the Franchise". If a majority of those voting at such election shall vote in favor of granting the franchise, the City Council, upon canvassing the returns, shall so declare, and said franchise shall take effect in accordance with its terms; but no franchise shall extend beyond the period fixed for its termination."

AMENDMENT NO. 7.

To amend said Charter, by adding thereto Article XXIII, consisting of Sections 1, 2, 3, 4, 5, 6 & 7, which shall read as follows:

"Article XXIII.

SECTION 1. For the purpose of promoting health, safety, morals, or the general welfare of the City of Austin, the City Council shall have power to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and for such purposes, the City Council may divide the City of Austin into districts or zones, of such number, shape and area as it may deem best suited to carry out such purpose; and may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures,

or land, so as to be uniform for each class or kind of building throughout each district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

Section 2. Such regulations shall be made by the City Council in accordance with a comprehensive plan, and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and further, such regulations shall be made with reasonable consideration, among other things, to the character of the district or zone, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 3. The City Council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts or zones shall be determined and enforced, and from time to time amended, supplemented or changed; and shall provide for public hearings in relation thereto and for notice thereof.

SECTION 4. The City Council shall appoint a Commission to be known as the Zoning Commission, to recommend to the City Council the boundaries of the various original districts or zones, and appropriate regulations to be enforced therein, which Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action in any such matter until it has received the final report of such Commission.

SECTION 5. The City Council may provide for the appointment of a Board of Adjustment, which Board shall consist of five members, each to be appointed for a term of two years, and removable for cause by the Council, upon written charges and after public hearing, and such Board shall adopt rules of procedure in accordance with the provisions of any ordinance adopted pursuant to the power conferred hereunder; and in the regulations and restrictions adopted pursuant to the authority herein conferred, the City Council may provide that said Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safe-guards, make special exceptions to the terms of any ordinance establishing districts or zones, but in harmony with its general purpose and intent and in accordance with general or specific rules therein contained; and said Board shall have power to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the power conferred hereunder or of any ordinance adopted pursuant thereto; to hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance; and to authorize, upon appeal in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance

shall be observed and substantial justice done; and to reverse or affirm, wholly or partly, or to modify the order, requirement, decision, or determination appealed from, and to make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that any person aggrieved by any decision of the Board of Adjustment, or any tax-payer, or any officer, department, board or bureau of the City of Austin, may resort to a court of record within ten days after the filing in its office of any decision of the Board, for the purpose of having such decision reviewed by said court.

SECTION 6. The City Council may provide by ordinance for the enforcement of the powers granted hereunder, and of any ordinances or regulation made thereunder; and in case any building, structure, or land is used in violation of any ordinance or regulation, made under the authority conferred hereunder, the City Council, in addition to other remedies, may institute any appropriate action or proceedings in court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

SECTION 7. It is the intention and purpose hereof to write into, adopt, and make a part of the charter of the City of Austin, all the powers, terms, and provisions contained in an Act passed at the Regular Session of the 40th Legislature of the State of Texas, as contained in Chapter 283, at pages 424 to 428, both inclusive, of the printed volume of the general and special laws of said legislature, authorizing cities and incorporated villages to pass zoning regulations; and such powers, terms and provisions which may exist and be in force therein may be exercised as alternative to and independently of any other powers, terms and provisions of the Charter of the City of Austin, with amendments thereto, and which in any wise relate to the same subject matter . "

AMENDMENT NO. 8

To amend said Charter, by repealing Section 2, of Article XIII, which said Section reads as follows:

"Sec. 2. The City Council shall fix and determine the nature of all sidewalks, streets, drainage and sewerage improvements, and decide the kind of material to be used. It shall also fix and determine the necessity, nature and extent of streets and side-walk improvements, repairs and reconstruction, and may at its discretion cause all or any part of such streets and sidewalks to be constructed, graded, regraded, paved, repaved, or in any other way repaired, improved, or maintained, and said Council shall have full power and authority to provide, by ordinance, for the manner of determining, after notice and by due process of law, the amounts of benefits to each parcel of abutting property by reason of any such improvements, repair or reconstruction, and of a fair and just proportion, and of the amount of the cost of the same to be paid by each abutting owner, and the amount of costs, so adjudged shall be a personal liability against such owners, as well as a first and prior lien and charge upon his abutting property. All assessments and benefits and the proportion and amount of costs to be paid by the abutting owner shall, unless such owner

and the City Council agree upon the same, be determined by a commission of three citizens, to be appointed in the same manner as in the condemnation of right of way for railroads, and the procedure and practice established by law in such condemnation cases, so far as applicable, shall govern assessments for street and sidewalk improvements. The assessment of costs against an abutting owner shall in no case exceed the benefit of his abutting property as established by the judgment of the commission, but the owner shall be entitled to no reduction for benefits received by him in common with others, and the total cost, not in excess of the total benefits to abutting owners, shall be fairly distributed by said commissioners among such owners, first deducting the cost of street crossings and of such portion of said improvements, if any, as may be paid for by the street railroad companies, or other railroad companies, occupying portions of the street under improvement, or required by their franchises to pay therefor."

AMENDMENT NO. 9

To amend Subsection (h) , of Section 1, Article XIII, of said Charter by striking therefrom the following:

"Provided, that when the City Council has once established a grade for any street, sidewalk, alley or park, and any owner of property abutting thereon has improved such property to conform to such grade, then the City Council shall not have the authority to change such grade except by consent of a majority of the owners by feet frontage of the property in front of which it is proposed to change such established grade."

AMENDMENT NO. 10.

To amend said Charter, by adding thereto Article XXIV, consisting of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16, which shall read as follows:

"ARTICLE XXIV.

SECTION 1. The City Council shall have power to cause to be improved any highway within the limits of the City of Austin, by filling, grading, raising, paving, repaving, and repairing in a permanent manner, and by constructing, reconstructing, repairing and re-aligning curbs, gutters and sidewalks, and by widening, narrowing and straightening, and by constructing appurtenances and incidentals to any of such improvements, including drains and culverts, which power shall include that of causing to be made any one or more of the kinds or classes of improvements herein named or any combination thereof, or of parts thereof.

SECTION 2. Whenever the term "highway" is used herein, it shall include any street, avenue, alley, highway, boulevard, drive, public place square, or any portion or portions thereof, including any portion that may have or may be left wholly or partly unimproved in connection with other street improvements heretofore or hereafter made. The term "improve" or "improvements", when used herein, shall include the kinds and classes of improvements, with incidents and appurtenances thereto, and any portions or combinations thereof, or of parts thereof, hereinabove mentioned, liberally construed, That whenever the term "cost" or "costs of improvements", or similar terms are used herein, same shall include expenses of

engineering and other expenses incident to construction of improvements, in addition to the other costs of the improvements.

SECTION 3. The City Council shall have power to determine the necessity for, and to order the improvement of any highway, highways, or parts thereof within the City of Austin, and to contract for the construction of such improvements in the name of the City, and to provide for the payment of the cost of such improvements by the City, or partly by the City and partly by assessments as hereinafter provided.

SECTION 4. The cost of such improvements may be wholly paid by the City of Austin, or partly by the City and partly by property abutting upon the highway or portion thereof ordered to be improved, and the owners of such property, but if any part of the cost is to be paid by such abutting property and the owners, then before any such improvements are actually constructed, and before any hearing herein provided for is held, the City Council shall prepare, or cause to be prepared, an estimate of the cost of such improvements, and in no event shall more than all the cost of constructing, reconstructing, repairing and realigning curbs, gutters, and sidewalks, and nine-tenths of the remaining cost of such improvements as shown on such estimate be assessed against such abutting property and owners thereof.

SECTION 5. If improvements be ordered and constructed in any part of the area between and under rails, tracks, double-tracks, turn-outs and switches, and two feet on each side thereof, of any railway, street railway, or interurban, using, occupying, or crossing any such highway, portion or portions thereof, ordered improved, then the City Council shall have power to assess the whole cost of the improvements in such area against such railway, street railway, or interurban, and shall have power, by ordinance to levy a special tax upon such railway, street railway, or interurban, and its road-bed, ties, rails, fixtures, rights and franchises, which tax shall constitute a lien thereon superior to any other lien or claim except State, County, and City ad valorem taxes, and which may be enforced either by sale of said property in the manner provided by law for the collection of ad valorem taxes by the City, or by suit in any court having jurisdiction. The ordinance levying such tax shall prescribe the time, terms and conditions of payment thereof, and the rate of interest, not to exceed eight percent (8%) per annum, and same, if not paid when due, shall be collectible, together with interest, expenses of collection and reasonable attorney's fees, if incurred. The City Council shall have power to cause to be issued assignable certificates in evidence of any such assessments as hereinafter provided.

SECTION 6. Subject to the terms hereof, the City Council shall have power by ordinance to assess all the cost of constructing, reconstructing, repairing and re-aligning, curbs, gutters and sidewalks, and not exceeding nine-tenths of the estimated cost of such improvements, exclusive of curbs, gutters and sidewalks, against property abutting upon the highway or portion thereof ordered to be improved, and against the owners of such property, and to provide the time, terms and conditions of payments and defaults of such assessments, and to prescribe the rate of interest thereon not to exceed eight percent (8%) per annum. Any assessments against abutting property shall be a first and prior lien thereon from the date the improvements are ordered, and shall be a personal liability and

charge against the true owners of such property at said date, whether named or not.

The City Council shall have power to cause to be issued in the name of the City of Austin assignable certificates in evidence of assessments levied declaring the lien upon the property and the liability of the true owner or owners thereof, whether correctly named or not, and to fix the terms and conditions of such certificates. If any such certificate shall recite substantially that the proceedings with reference to making the improvements therein referred to have been regularly had in compliance with the law and that all prerequisites to the fixing of the assessment lien against the property described in said certificate and the personal liability of the owner or owners thereof have been performed, same shall be prima facie evidence of all the matters recited in said certificate, and no further proof thereof shall be required. In any suit upon any assessment or reassessment in evidence of which a certificate may be issued under the terms hereof, it shall be sufficient to allege the substance of the recitals in such certificate and that such recitals are in fact true, and further allegations with reference to the proceedings relating to such assessment or reassessment shall not be necessary. Such assessments shall be collectible with interest, expense of collections, and reasonable attorneys' fee, if incurred, and shall be a first and prior lien on the property assessed, superior to all other liens and claims except State, County and City ad valorem taxes, and shall be a personal liability and charge against the said owners of the property assessed.

SECTION 7. The part of the cost of improvements on each portion of highway ordered improved, which may be assessed against abutting property and owners thereof, shall be apportioned among the parcels of abutting property and owners thereof, in accordance with the Front Foot Plan or Rule; provided, that if the application of this rule would, in the opinion of the City Council, in particular cases, result in injustice or inequality, it shall be the duty of said City Council to apportion and assess said costs in such proportion as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of such apportionment so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 8. Nothing herein shall empower the City Council to fix a lien against any interest in property, exempt at the time the improvements are ordered from the lien of special assessment for street improvements; but the owner or owners of such property shall nevertheless be personally liable for any assessment in connection with such property. The fact that any improvement, though ordered, is omitted in front of property, any interest in which is so exempt, shall not invalidate the lien or liability of assessments made against other property. The lien created against any property and the personal liability of the owner or owners thereof may be enforced by suit in any court having jurisdiction, or by sale of the property assessed in the same manner as may be provided by law or charter in force in the City of Austin for sale of property for ad valorem city

taxes.

SECTION 9. No assessment herein provided for shall be made against any abutting property or its owners, nor against any railway, street railway, or interurban, or owner, until after notice and opportunity for hearing as herein provided, and no assessment shall be made against any abutting property or owners thereof in excess of the special benefits of such property, and its owners, in the enhanced value thereof by means of such improvements as determined at such hearing. Such notice shall be by advertisement inserted at least three times in some newspaper published in and of general circulation in the City of Austin, the first publication to be made at least ten days before the date of the hearing. If any such notice shall describe in general terms the nature of the improvements for which assessments are proposed to be levied and to which such notice relates, shall state the highway, highways, portion or portions thereof to be improved, shall state the estimated amount or amounts per front foot proposed to be assessed against the owner or owners of abutting property and such property on each highway or portion, with reference to which hearing mentioned in the notice is to be held, and shall state the estimated total cost of the improvements on each such highway, portion or portions thereof, and if the improvements are to be constructed in any part of the area between and under rails and tracks, double tracks, turn-outs, and switches, and two feet on each side thereof of any railway, street railway or interurban, shall also state the amount proposed to be assessed therefor, and shall state the time and place at which such hearing shall be held, then such notice shall be sufficient, valid and binding upon all owning or claiming such abutting property, or any interest therein, and upon all owning or claiming such railway, street railway, or interurban, or any interest therein.

Such hearing shall be by and before the City Council of the City of Austin, and all owning any such abutting property, or any interest therein, and all owning any such railway, street railway, or interurban, or any interest therein, shall have the right, at such hearing, to be heard on any matter as to which hearing is a constitutional prerequisite to the validity of any assessment authorized hereby, and to contest the amounts of the proposed assessments, the lien and liability thereof, the special benefits to the abutting property and owners thereof by means of the improvements for which assessments are to be levied, the accuracy, sufficiency, regularity and validity of the proceedings and contract in connection with such improvements and proposed assessments; and the City Council shall have power to correct any errors, inaccuracies, irregularities, and invalidities, and to supply any deficiencies, and to determine the amounts of assessments, and all other matters necessary, and by ordinance to close such hearing and levy such assessments before, during or after the construction of such improvements; but no part of any assessment shall be made to mature prior to acceptance by the City of Austin of the improvements for which assessment is levied.

Anyone owning or claiming any property assessed, or any interest therein, or any railways, street railway, or interurban assessed, or any interest therein, who shall desire to contest any such assessment on account of the amount thereof, or any inaccuracy, irregularity, invalidity, or insufficiency of the proceedings or

contract with reference thereto, or with reference to such improvements, or on account of any matter or thing not in the discretion of the City Council of the City of Austin, shall have the right to appeal therefrom and from such hearing by instituting suit for that purpose in any court having jurisdiction within fifteen (15) days from the time such assessment is levied; and anyone who shall fail to institute such suit within such time shall be held to have waived every matter which might have been taken advantage of at such hearing, and shall be barred and estopped from in any manner contesting or questioning such assessment, the amount, accuracy, validity, regularity and sufficiency thereof, and of the proceedings and contract with reference thereto and with reference to such improvements for or on account of any matter whatsoever, And the only defense to any such assessment in any suit to enforce the same shall be that the notice of hearing was not published or did not contain the substance of one or more of the requisites therefor herein prescribed, or that the assessments exceed the amount of the estimate, and no words or acts of any officer or employee of the City of Austin, or member of the City Council, other than the action of the City Council shown in its written proceedings and records, shall in anyway affect the force and effect of the provisions hereof.

SECTION 10. The City Council shall have power to provide for changes in plans, methods or contracts for improvements, or other proceedings relating thereto, but any change substantially affecting the nature or quality of any improvements shall only be made when it is determined by two-thirds vote of the City Council that it is not practical to proceed with the improvements as theretofore provided for, and if any such substantial change be made after any hearing has been ordered or held then unless the improvement be altogether, a new estimate of cost shall be made and a new hearing ordered and held, and new notices given, all with like effect and in like manner as herein provided for original notices and hearings. Changes in or abandonment of improvements must be with the consent of such person, firm, or corporation as may have contracted with the City of Austin for the construction thereof, if any such contract has been entered into, and in case of abandonment of any particular improvement an ordinance shall be passed which shall have the effect of cancelling any assessments theretofore levied therefor, and all other proceedings relating thereto.

SECTION 11. Assessments against several parcels of property may be made in one assessment when owned by the same person, firm, corporation, or estate, and property owned jointly by one or more persons, firms or corporations, may be assessed jointly.

SECTION 12. The City Council shall have power to carry out all the terms and provisions hereof, and to exercise all the powers hereof, either by resolution, motion, order or ordinance, except where ordinance is specifically prescribed, and shall have power to adopt either by resolution or ordinance, any and all rules or regulations appropriate to the exercise of such powers, the method and manner of ordering and holding such hearings, and the giving of notices thereof.

SECTION 13. In case any assessment shall for any reason whatsoever be held or determined to be invalid or unenforcible, then the City Council is empowered to supply any deficiency in proceedings with reference thereto and to correct any mistake of irregularity in connection therewith, and at any time to make and levy reassessments after notice and hearing as nearly as possible in the manner herein provided for original assessments, and subject to the provisions hereof with reference to special benefits. Recitals in certificates issued in evidence of reassessments shall have the same force as provided for recitals in certificates relating to original assessments.

SECTION 14. Anyone owning or claiming any property or interest in any property against which such reassessment is levied shall have the same right of appeal as herein provided in connection with the original assessments, and in the event of failure to appeal within fifteen (15) days from the date of such reassessment, the provisions hereinabove made with reference to waiver, bar, estoppel, and defense shall apply to such reassessment.

SECTION 15. It is the intention and purpose hereof to write into, adopt, and make a part of the charter of the City of Austin all the powers, terms and provisions of an Act passed at the First Called Session of the 40th Legislature of the State of Texas, and being Chapter 106 of the Acts of said Legislature, and the powers, terms and provisions thereof shall exist, be in force, and may be exercised as alternative to and independently of any other powers, terms and provisions of the charter of the City of Austin, with amendments thereto, and which in anywise relate to the same subject matter.

SECTION 16. Should any section, provision, word, phrase or clause of this amendment be held to be invalid, unconstitutional or imoperative, no other part or parts thereof shall be held to be affected thereby."

AMENDMENT NO. 11.

To amend said Charter, by adding thereto Article XXV, consisting of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12, which shall read as follows:

"ARTICLE XXV.

SECTION 1. The City Council shall have power to lay out, open, establish, widen, straighten or extend, and to establish building-lines, on any highway within the limits of the City of Austin, and to purchase, condemn and take property therefor. The cost of property purchased, taken or damaged, and the costs of condemnation and making assessments hereinafter referred to, and of the enforcement, correction, sale or realization into money of assessments or certificates, together with all other costs of making such improvements, may be paid wholly from any fund of the City available therefor, or wholly from the fund created by said assessments, or partly from each of said funds. The City Council shall have the power to assess part or all of such costs against the owners of property abutting on or in the vicinity of such improvements specially benefitted thereby, and against said property, and to collect, enforce, sell or realize said assessments into money. The term "highway" shall include any street, avenue, boulevard, alley, public place or square, dedicated or to be dedicated to public use.

SECTION 2. The City Council may purchase by agreement with the owner any property, all or part of which in the opinion of the governing body is necessary for the making of improvements under the terms hereof, and pay for same out of any fund available; and may sell and convey any part of such property not appropriated to such improvement on such terms as the City Council may see fit, and the proceeds shall become a part of a special fund out of which the costs of improvement provided for herein may be defrayed and shall be used for no other purpose, but only the cost of property actually appropriated to such improvement shall be included in any assessment made under the provisions hereof.

SECTION 3. When the City Council shall determine to proceed hereunder, it shall so declare by resolution, which may state the nature and extent of the improvements to be made, and the limits thereof, and may describe the land to be taken or condemned; but no mistake or omission of said resolution shall invalidate it, and its passage shall be conclusive of the public use and necessity of the proposed improvement. Upon passage of such resolution, the City Engineer shall prepare and submit to the City Council a plat showing the nature, location and limits of the proposed improvements, and shall in writing report the estimated total cost of said improvements, and each parcel of property to be condemned or acquired; but no error or omission shall invalidate said report or any proceeding had thereafter pursuant thereto.

SECTION 4. No property shall be taken under the provisions of this Article without just compensation first made to the owner. If the amount of compensation cannot be agreed upon, the City of Austin may condemn said property; and the applicable provisions of the laws relating to eminent domain are made a part of this Article, and shall apply to condemnation proceedings hereunder, except where otherwise herein provided; but the City shall not be required to execute the bond referred to in said laws. No error or omission in said proceedings shall invalidate the same, but any proceedings may be corrected, taken again, or adjourned until such corrections are made or omissions supplied.

SECTION 5. Whenever the City Council shall order the making of any improvements herein referred to, it may then or thereafter at anytime and shall have power to provide by resolution that all or part of the costs thereof, as defined in Section 1 of this Article, shall be assessed against said property abutting said proposed improvements, or in the vicinity thereof, and the owners thereof specially benefitted thereby, together with reasonable attorney's fees and all costs incurred in the collection of said assessments; and the City Council shall have power to apportion said costs among the owners of said property, and may designate the property proposed to be assessed, or the district within which property will be benefitted, and within which assessments will be made; provided, no assessments shall be made against any property, or its owner, in excess of its special benefits thereto in the enhanced value thereof from said improvements; and no assessments shall be made against any property exempt from execution, but the owner shall be personally liable and assessed therefor. Such assessment shall constitute a lien upon the

property prior to all other liens except ad valorem taxes, and shall relate back and take effect as of the date of the resolution ordering the same.

SECTION 6. No assessment shall be made against owners of property benefitted, or their property, until after a reasonable opportunity to be heard shall have been given such owners and lien holders and other interested parties, before the City Council or the Commission hereafter referred to, preceded by reasonable notice thereof, published three times prior to said hearing in some newspaper of general circulation in the City, the first publication to be not less than ten days prior to said hearing, and the names of owners, lien holders and others interested, need not be specifically set out in said notice, but the land proposed to be assessed shall be briefly described either by lot and block number, front feet, or any other description reasonably identifying the same; and at said hearing, said parties shall have the right to contest in writing said assessments, and to produce testimony in support of said contest, and thereupon the City Council or said Commission shall determine the amounts, if any, to be assessed.

SECTION 7. The City Council shall make assessments by ordinance; and such assessments may be enforced by suit brought by the City for the benefit of any holder or owner of such assessments, or of the certificates issued thereon, or brought by such holder or owner, or by the sale of the property assessed in the same manner as near as possible as is provided for the sale of real estate for city taxes. Assessments may be made payable in not exceeding sixteen installments, the last maturing in not over 15 years, and may bear interest at not over 8% per annum.

SECTION 8. At the time of or after the passage by the City Council of the resolution ordering such assessments, it shall have power in its discretion to declare that said hearing to property-owners and other interested parties shall be had before the Commissioners then or thereafter appointed to make condemnation, and thereupon such Commission shall cause to be given the notice or notices herein before provided, and such Commission shall have all the powers conferred by this Article upon the City Council, and shall do all things with reference to said assessments which the City Council is hereby empowered to do, except as herein expressly provided. If said hearing shall be before said Commission, it shall report in writing its findings to the City Council, which shall examine said report, and if found correct approve the same, and shall by ordinance assess against the owners and their property found to be benefitted by said improvements the amounts found to be properly chargeable against them.

SECTION 9. The City Council may issue assignable certificates, payable to the City or to the purchaser thereof, declaring the liability of owners and their property for the payment of assessments, and may fix the terms, time of payment, conditions of default, and maturity thereof. The allegations of the recitals in such certificates in any suit brought for the enforcement thereof, shall be sufficient allegations of all proceedings had by the City Council with reference to the making of said improvements and the assessment of the costs thereof and of all prerequisites to said assessment, and shall be deemed sufficient to permit proof of said proceedings and prerequisites without the necessity of alleging and setting forth the same in the pleadings, by caption, substantially or in full.

SECTION 10. No error in any proceeding hereunder, or in the description of property, or in the name of the owner, shall invalidate any assessment, which shall nevertheless be in effect as against the real and true owner and his property; and the City Council may correct any such error and reassess any owner or property erroneously assessed, until the expiration of six years from the date of the ordinance, making the original assessment, after lawful notice and hearing and in accordance with benefits as herein provided as to original assessments, and may fix the time and terms of payment of said sums to so be assessed, and issue assignable certificates evidencing the same as herein provided as to original assessments. But if the same shall have been resisted in any action at law, the time consumed in said action shall be excluded in computing said term of six years. In making such reassessments, it shall not be necessary to do any act or take any step, or again perform any prerequisite already legally done or performed with reference to the original assessment; but the City Council may in its discretion proceed without again taking steps already validly taken or performed, and no assessment shall be made until after the notice and hearing and in accordance with the benefits as herein provided.

SECTION 11. Any property owners against whom or whose property an assessment or reassessment has been made hereunder, may within ten days thereafter bring suit to set aside or correct the same, or any proceeding with reference thereto on account of any error or invalidity therein; but thereafter, such owner, his heirs, assigns, or successors, shall be barred from such action or any defense of invalidity in such proceedings or assessment or reassessment, in any action in which the same may be brought into question.

SECTION 12. It is the intention and purpose hereof to write into and make a part of the charter of the City of Austin the powers, terms and provisions contained in Article 1202 to 1220, both inclusive, of the Revised Civil Statutes of the State of Texas, Revision of 1925, and the amendment to Article 1213 as enacted at the regular session of the 40th Legislature of the State of Texas, and being Chapter 227, of the printed acts of said Legislature, and the powers, terms and provisions thereof shall exist, be enforced and may be exercised as alternative to and independently of any other powers, terms and provisions of the Charter of the City of Austin, with amendments thereto, and which in anywise relate to any of the same subject matter.

AMENDMENT NO. 12.

To amend said Charter, by adding thereto Article XXVI, consisting of Section 1, which shall read as follows:

"ARTICLE XXVI.

Section 1. The City Council shall have power to acquire land inside or outside of the corporate boundaries of the City of Austin, by purchase or condemnation, for the purpose of establishing or enlarging any park, parkway or playground, and to improve, equip, maintain and regulate the use of same, and the applicable provisions of the laws of

the State of Texas relating to eminent domain are adopted and made a part of this Article and shall apply in condemnation proceedings hereunder, but the City of Austin shall not be required to execute the bond referred to in said laws.

The City Council shall have power to provide that the cost of such land and improvements shall be paid for wholly or in part, to the extent not exceeding the special benefits received, by the property owners owning property in the vicinity thereof and benefitted thereby; and for such purpose, all of the powers, terms and provisions contained in an act passed at the regular session of the Fortieth Legislature of the State of Texas, and being Chapter 288 of the printed laws passed by said legislature, are hereby adopted, and same may be used by the City Council in the manner and for the purpose of the condemnation of said land, and the appointment of commissioners therefor, and the assessment of the costs thereof; and in making the assessments against property owners specially benefitted, as well as in condemnation proceedings, the same shall be governed as far as practicable by the present laws relating to the opening and widening of streets. "

AMENDMENT NO. 13.

To amend said Charter, by adding thereto Article XXVII, consisting of Section 1, which shall read as follows:

"ARTICLE XXVII.

Section 1. The City of Austin shall have power to acquire land inside or outside the City of Austin, by purchase or condemnation, for the purpose of owning, establishing and operating an airport, and of providing a landing-place for the accommodation of the United States Air Mail service and other aerial transportation, and to erect thereon the necessary improvements and equipment, and to make suitable charges for the uses thereof. The ownership and operation by the City of Austin of such airport shall be deemed a municipal purpose, and the City Council shall have power to pass ordinances providing for the regulations of the use thereof. "

AMENDMENT NO. 14

To amend said Charter, by adding thereto Article XXVIII, consisting of Section 1, which shall read as follows:

"ARTICLE XXVIII.

SECTION 1. The City of Austin shall have power to provide for, establish and maintain a free public library, and to receive gifts and donations therefor, and to cooperate with any person, corporation or foundation for the establishment or maintenance of such library, and to regulate the use of same. "

AMENDMENT NO. 15.

To amend said Charter, by adding thereto Article XXIX, consisting of Section 1, which shall read as follows:

"ARTICLE XXIX.

SECTION 1. The City of Austin shall have power to establish, lease, maintain, regulate and operate markets and market-places, and abattoirs, inside and outside of the City, and to acquire land, by purchase or condemnation, for such purposes, and to erect improvements, buildings and equipment thereon and therefor, and to operate, rent and lease the same. "

AMENDMENT NO. 16.

To amend said Charter, by adding thereto Article XXX, consisting of Section 1, which shall read as follows:

"ARTICLE XXX.

SECTION 1. The City of Austin shall have power to provide for, establish and maintain a public auditorium, and to regulate the use of same. "

AMENDMENT NO. 17.

To amend said Charter, by adding thereto Article XXXI, consisting of Section 1, which shall read as follows:

"ARTICLE XXXI.

SECTION 1. The City Council shall have power by ordinance to regulate the location, erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, appurtenances, use, height, area, and maintenance of buildings, signs, and structures in the City of Austin; and to provide for the establishment and designation of fire limits and fire zones, and to prescribe the kind, type, and quality of buildings and structures and improvements to be erected therein; and to provide for the erection of buildings of certain fire-resistive construction within certain limits, and to provide for the condemnation of dangerous structures or buildings or delapidated buildings, or buildings calculated to increase the fire hazard, and to prescribe the manner of their removal or destruction."

AMENDMENT NO. 18

To amend said Charter, by adding thereto Article XXXII, consisting of Section 1, which shall read as follows:

"ARTICLE XXXII.

SECTION 1. The City Council shall have power by ordinance to prohibit the construction or maintenance of billboards or advertisement board or structures for the posting, painting, or printing of signs or advertisements on private property within any prescribed limits, and may prescribe the size, character and location of such advertising boards and structures so prohibited; and in case any private property shall be so damaged by such prohibition as to entitle the owners thereof to damages, such prohibition and the proceeding to enforce the same shall be treated as a public improvement; and unless the consent of the owner or owners damaged by such prohibition be first obtained, the same procedure for the ascertainment and assessment of just compensation to be paid to the owners of such private property, and the manner of payment of such damages shall be adopted as is prescribed in proceedings for condemning and damaging private property.

AMENDMENT NO. 19.

To amend said Charter, by revealing Section 16, of Article 12, which provides that every ordinance imposing a penalty, fine, imprisonment or forfeiture for violation of the provisions thereof, to be published in every issue of a daily newspaper published in the City for ten days, and shall not take effect until such publication has been com-

pleted; and inserting in said Charter, in lieu of said existing section, a new section, to be numbered Section 16, under Article XII, of said Charter, which shall read as follows:

"Section 16. The City Clerk shall give notice of the passage of every ordinance imposing a penalty, fine, imprisonment or forfeiture for the violation of the provisions thereof, by causing the caption or title of any such ordinance to be published in some daily newspaper in the City of Austin, at least once within ten days after the passage of said ordinance, and shall note on every such ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of such publication; provided, that the provisions of this section shall not apply to revision and codification of the ordinances of the City, as the Council may from time to time adopt."

AMENDMENT NO. 20.

To amend said Charter, by adding thereto Section 24, under Article XV, which shall read as follows:

"SECTION 24. The property, real and personal, belonging to the City of Austin shall never be subject to or liable to be sold or appropriated under any writ of execution; nor shall the funds belonging to the City in the hands of any person be subject to garnishment, nor shall the City or any of its officers or agents be required to answer any writ of garnishment served upon or issued against the City, and a failure to do so shall not entail any liability upon the City, but if the City Manager elects so to do, he may answer any writ of garnishment against the City in his discretion. "

AMENDMENT NO. 21.

To amend said Charter, by adding thereto Section 25, under Article XV, which shall read as follows:

"SECTION 25. The City of Austin shall not be liable for damages to anyone, on account of any defect in, obstruction on, or anything else in connection with any sidewalk in the City; nor shall the City of Austin be liable for damages to anyone on account of any defect in, obstruction on, or anything else in connection with any street, alley, or public place, other than any sidewalk, unless and until it be shown that some person, in the employment of the City and having superintendence or control of the work on the streets, alleys or public places, had actual notice of such defect, obstruction or other thing, for a sufficient length of time before such injury was received to have remedied such condition of the street, alley or public place before the injury was received. "

AMENDMENT NO. 22.

To amend said Charter, by adding thereto Section 26, under Article XV, which shall read as follows:

"SECTION 26. Before the City of Austin shall be liable for damages for the death or personal injuries of any person or for damage to or destruction of property of any kind, the person injured, if living, or his representatives, if

dead, or the owner of the property injured or destroyed, shall give the City Council or City Manager notice in writing of such death, injury, or destruction, duly verified, within thirty days after same has been sustained, stating in such written notice when, where and how the death, injury or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six months immediately preceding the occurrence of such death, injuries or destruction, and the name and addresses of all the witnesses upon whom it is relied to establish the claim for damages; and the failure to so notify the City Council or City Manager within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever; provided, however, that nothing in this section shall be construed to affect or repeal the section in this charter relating to the liability of the City for damages on account of injuries received on the sidewalks, streets, alleys and public places of the City. "

AMENDMENT NO. 23.

To amend said Charter, by adding thereto Article XXXIII, consisting of Section 1, which shall read as follows:

"ARTICLE XXXIII.

SECTION 1. Any amendment to the Charter of the City of Austin, which may be adopted, and which is inconsistent with any existing provision of said Charter, shall by such adoption repeal such inconsistent provision; and at any election for the adoption of amendments, if the provisions of two or more proposed amendments approved at said election are inconsistent, the amendment receiving the highest number of votes shall prevail. "

SECTION 2. THAT the Mayor is authorized and instructed to publish a copy of this resolution in The Austin Statesman, a newspaper published in the City of Austin, as notice of the intention of the City Council to submit, at an election, the amendments to the Charter of the City of Austin hereinbefore set out, and the same when marked "NOTICE OF INTENTION TO SUBMIT CHARTER AMENDMENTS", signed by the Mayor and attested by the City Clerk, and published as herein provided, shall be due notice thereof.

SECTION 3. THAT said notice shall be published in the newspaper aforesaid for ten days, the first publication of which shall be twenty days prior to the date on which the proposed ordinance is to be passed, as set out in Section 1, of this Resolution.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, Frank R. Barron is the contractor for the construction of a building for O. O. Norwood to be situated on Lot 9, Block 83, City of Austin, and desires to occupy a portion of the street abutting the east curb of Colorado Street to be used for the storage of materials and for

construction purposes; said space to be bounded as follows: Beginning at the intersection of the east line of Colorado Street and the north line to the west entrance of the Motoramp Garage, thence in a westerly direction to a point 26 feet 8 inches from the east line of Colorado Street; thence in a northerly direction parallel to the center line of Colorado Street to a point on the projection of the south line of the Mary Bowen property; thence in an easterly direction to the east line of Colorado Street; thence in a southerly direction to the point of beginning.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the use hereinabove named be granted to said Frank R. Barron.

2. THAT the above privilege and allotment of space be granted to said Frank R. Barron, hereinafter termed "Contractor" upon the following express conditions:

(1) THAT a substantial board walkway 3 feet 6 inches wide and with guard rails on each side 4 feet high, be constructed on Colorado Street running parallel to the center line of the street and a distance of 26 feet 8 inches from the east line of Colorado Street, said walkway to extend from the west entrance of the Motoramp Garage to a point opposite the south property line of the Mary Bowen property.

(2) THAT the sidewalk on the east side of Colorado Street be fenced off at right angles to the direction of the sidewalk opposite the extremities of the board walkway.

(3) THAT the contractor be allowed to extend the board walkway further north from the north extremity of this walkway above specified, not to exceed 25 feet, upon written notice from Mrs. Mary Bowen that such extension and resulting use of the sidewalk adjacent to her property is satisfactory to her.

(4) THAT no opening be left in the above described board walkway at any point in its entire length for the ingress or egress of trucks or material.

(5) THAT all trucks or vehicles enter the space allotted the contractor through an opening at the south boundary of this space, and leave through an opening at the north boundary of said space, and further that when these openings are not in use there shall be a guard rail or barrier built across the openings to prevent entrance of pedestrians into the building site.

(6) THAT contractor shall make sufficient bond in the sum of Ten Thousand Dollars (\$10,000.00) to indemnify the City of Austin against all damages to persons or property arising by virtue of the privileges hereinabove granted.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none, Councilman Mueller absent.

Councilman Reed moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, Reed, and Steck, 4; nays, none, Councilman Mueller absent.

The Council then recessed.

Approved: _____ Mayor.